S.B.Cr.Misc. Bail App. No.4711/2007
(Gordhan Vs. State)

Date of order : 27th September, 2007.

HON'BLE MR.H.R.PANWAR, J.

Dr. S.S. Jodha for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It appears from the police investigation diary that one Raja in whose name agriculture land stand died in the year 1986 and the present petitioner has been looking after Raja and used to take care of him during his life time. However, persons, who are claiming themselves to be legal heirs of the deceased Raja have been residing at Barmer and not in the village where Raja was living in his life time. There is no sufficient material to show that the petitioner forged document for claiming himself to be legal heir. It further appears that appeal challenging the mutation order has been filed, which is pending before the Revenue Court.

Learned Public Prosecutor failed to show any document on police investigation diary alleged to have been forged.

Having regard to the facts and circumstances of the case and having considered the oral arguments advanced by counsel for the petitioner and the Public Prosecutor, I consider it just and and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by the petitioner under Section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Gordhan s/o Shri Kaja in FIR No.53/2007 Police Station, Chitalwana, District Jalore, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following order :

(i) That he shall make himself available for interrogation by a police officer as and when required;

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

vij **(H.R.PANWAR), J.**